The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—I leave it to the Hon'ble Speaker to permit me to make the statement now or on the 13th morning at 12 of the Clock as you decide. For my part, however, I am quite prepared.

Mr. SPEAKER. (The Hon'ble Sri V. Venkatappa)—I have no objection. But many Hon'ble Members are not here now. I think it is better we take it up after question-hour on the 13th.

Mushir-ul-Mulk J. MOHAMED IMAM (Chitaldrug *cum* Tumkur –Muslim): I would like to know whether the meeting is to be held in the morning on the 13th because that day happens to be Saturday.

The Hon'ble Sri H. C. DASAPPA.—I have no objection for a morning session that day if it suits the convenience of the Hon'ble Members.

The Mysore Civil Courts (Amendment) Bill, 1951.

Motion to consider.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, I move :

"That the Mysore Civil Courts (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration."

In making this motion, I wish to bring to the notice of the Hon'ble Members that the changes made by the Select Committee are very few. They have said that clause 3 of the original Bill may be deleted. That referred to the conditions under which second appeals could be preferred to the High Court. You will find, Sir, from the original Bill which was placed before the Select Committee, that that section reads as follows :—

"To Section 15 of the said Act, the following proviso shall be added, namely :—

"Provided that notwithstanding anything contained in any law for the time being in force, except by special leave of the High Court, no second appeal shall lie—

(i) in a suit for money or in a suit on a simple mortgage when the amount or value of the subject matter of the suit does not exceed Rs. 2,000;

(ii) in a suit for possession of a house or garden land, or unassessed land or any interest therein when the market value of the subject matter on the date of presenting the plaint does not exceed Rs. 1,000;

(iii) in a suit for possession of land or any interest therein other than those specified in clause (ii) when the total annual assessment does not exceed Rs. 8;

These are the conditions imposed relating to second appeals to the High Court. It so happens that section 100 of the Civil Procedure Code refers also to the conditions under which second appeals could lie to the High Court. So the Select Committee felt that in view of the fact that the Civil Procedure Code of the Central Government has now been introduced into Mysore since 1st October 1951, we could as well have section 100 of the Civil Procedure Code amended and we need not go into it in this Bill. I think that is a very wholesome suggestion. Therefore we agreed that clause 3 may be omitted.

The rest of the clauses remain as they are and the main point in those two clauses is that the jurisdictions for appeal to the High Court and to the District Court are definitely stated. Under Section 13 of the Civil Courts Act, all appeals against decisions involving more than Rs. 3,000 used to go to the High Court and all appeals against decisions involving Rs. 3,000 and less used to go to the District Court. Now the amendment is that all decisions involving Rs. 10,000 and less shall go to the District Court instead of to the High Court. The jurisdiction of the Sub-Judge has been raised to Rs. 10,000. So from the Sub-Judge's decision the appeal will be direct to the District Judge and not to the High Court. That is one portion of the Report on the Bill.

The other portion refers to the number of holidays of the Civil Courts. Under Section 22 of the Civil Courts Act, the High Court had the power to grant holidays not exceeding six weeks in a year. It was felt that in common with all other High Courts and all other Subordinate Courts in the rest of India, the period should be extended to sixty days instead of forty-two days and that is why section 22 is proposed to be amended as follows :

"22. (1) In addition to public holidays authorised by the State Government, the civil courts subordinate to the High Court shall have three vacations in each year, namely, Summer, Dasara and Winter.

(2) The total number of days in all the said three vacations shall not exceed sixty days and the period of each vacation in each year shall be fixed by the Chief Justice."

These Judges have no other vacation just as other institutions have and therefore it is felt that in common with the rest of the other High Courts the same powers should be vested in the High Court of Mysore also, namely that they can give sixty days' holidays to the Subordinate Courts.

Now clause 4 of the amended Bill is consequential. It simply says :

"The provisions of section 13 as amended by section 2 shall apply to all suits and appeals and appeals pending in any civil court subordinate to the High Court on the date of commencement of this Act."

The question would arise, what about the suits now pending. We say that this Act will apply to suits now pending.

The Report of the Select Committee is in my opinion non-controversial and I commend the same for the acceptance of the House.

Mr. SPEAKER.—The question is :

"That the Mysore Civil Courts (Amendment) Bill, 1951, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses 2 to 4, both inclusive. The question is :

"That Clauses 2 to 4, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 4, both inclusive, were added to the Bill.

Mr. SPEAKER.—Clause 1. The question is :

"That Clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. SPEAKER.—Title and Preamble. The question is :

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The motion was adopted.

Motion to pass.

The Hon'ble Sri K. T. BHASHYAM.—Sir, I move :

"That the Mysore Civil Courts (Amendment) Bill, 1951, as reported by the Select Committee, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Civil Courts (Amendment) Bill, 1951, as reported by the Select Committee, be passed."

The motion was adopted.

The Mysore Suits Valuation Bill, 1951.

Motion to consider.

The Hon'ble Sri K. T. BHASHYAM (Minister for Law and Labour).—Sir, I move :

"That the Mysore Suits Valuation Bill, 1951, as reported by the Select Committee, be taken into consideration.

In making this motion, I wish to bring to the notice of the Hon'ble Members that practically no change has been made in respect of the Bill by the Select Committee except the dates. Hon'ble Members will remember that when we introduced the Bill we thought we could make it into an Act from July 1951. Now that we are past that stage, the Select Committee has stated that this Act shall come into force from the first of January 1952 since we are already in October 1951. And a very slight amendment, purely verbal, has been made in clause 10, where we stated that they may apply to a court exercising revisional jurisdiction under Section 115 of the Code of Civil Procedure. "or other enactment" are the words in the original Bill. Instead of it, the words "or any other enactment" are put in. Practically no amendment has been made by the Select Committee and I commend the Report of the Select Committee for the acceptance of the House.

Mr. SPEAKER.—The question is :

"That the Mysore Suits Valuation Bill, 1951, as reported by the Select Committee, be taken into consideration."